

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.)
)
JUSTICE C. MACLEOD) WEDNESDAY, THE 23RD
) DAY OF APRIL, 2025

B E T W E E N :

CANADA ICI CAPITAL CORPORATION

Applicant

- and -

**ECRE SMART LIVING HINTON INC., SMART LIVING
MANAGEMENT INC., ECRE HINTON LIMITED PARTNERSHIP and
SLH HINTON LP**

Respondents

**ORDER
(ANCILLARY RELIEF)**

THIS MOTION, made by BDO Canada Limited (“**BDO**”) in its capacity as the Court-appointed receiver (in such capacity, the “**Receiver**”) without security, of ECRE Smart Living Hinton Inc. (the “**Debtor**”) for an order, *inter alia*, (a) approving the First Report of the Receiver dated March 17, 2025 (the “**First Report**”) and the Receiver’s conduct and activities described therein; (b) approving the fees and disbursements of the Receiver and its counsel; (c) granting the Receiver the power to assign the Debtor into bankruptcy; and (d) directing the Debtor and Smart Living Properties Inc. to make payment to the Receiver of certain unremitted pre-receivership rent amounts was heard this day by judicial videoconference.

ON READING the Notice of Motion of the Receiver and the First Report, filed, and the Respondents’ Motion Record and Factum of Smart Living Management Inc., SLH Hinton LP

and ECRE Smart Living Hinton Inc., and on hearing the submissions of counsel for the Receiver, and all other counsel and parties listed on the counsel slip, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Calvin Horsten, filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record in support of this Motion and the First Report be and is hereby validated, such that this Motion is properly returnable today and hereby dispenses with further service thereof.

APPROVAL OF THE RECEIVER'S ACTIVITIES AND FEES

2. **THIS COURT ORDERS** that the First Report and the conduct and activities of the Receiver as set out therein be and are hereby approved, provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize, in any way, such approvals.

3. **THIS COURT ORDERS** that the fees and disbursements of the Receiver up to and including January 31, 2025, as set out in the First Report and the fee affidavit of Josie Parisi sworn February 28, 2025, appended to the First Report, are hereby approved.

4. **THIS COURT ORDERS** that the Receiver's interim statement of receipts and disbursements up to and including February 28, 2025, as set out in and appended to the First Report, be and is hereby approved.

5. **THIS COURT ORDERS** that the fees and disbursements of the Receiver's counsel, Aird & Berlis LLP, up to and including January 31, 2025, as set out in the First Report and the fee affidavit of Calvin Horsten sworn February 25, 2025, appended to the First Report, are hereby approved.

SEALING OF CONFIDENTIAL APPENDIX

6. **THIS COURT ORDERS** that the Confidential Appendix to the First Report shall be and is hereby sealed, kept confidential, and shall not form part of the public record until the closing of the Transaction or further Order of this Court.

ADJOURNMENT

7. **THIS COURT ORDERS** that certain of the relief sought by the Receiver in this Motion, including the granting of the power for the Receiver to assign the Debtor into bankruptcy, and directing the Debtor and Smart Living Properties Inc. to make payment to the Receiver of certain unremitted pre-receivership rent amounts, is adjourned to be heard on July 24, 2025.

GENERAL

8. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. (Eastern Time) on the date of this Order without the need for entry or filing.

CANADA ICI CAPITAL CORPORATION

and

**ECRE SMART LIVING HINTON INC., SMART LIVING
MANAGEMENT INC., ECRE HINTON LIMITED
PARTNERSHIP and SLH HINTON LP**

Applicant

Respondents

Court File No. CV-24-00096479-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT OTTAWA

ORDER
(Ancillary Relief)

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